

3. 2006SP-081U-13

Map 165-00, Parcels 073, 104, 105, 106, 130

Map 176-00, 008, 041, part of 026

Subarea 13 (2003)

District 32 - Sam Coleman

A request to change from AR2a to SP zoning property located at 4334, 4374 and 4414 Maxwell Road and Maxwell Road (unnumbered) (77.3 acres), approximately 430 feet east of Flagstone Drive, to permit 328 single-family attached units and detached units, requested by Jerry Butler Builders LLC, for George & Michelle Averitt, W.E. Davenport & American Maintenance Systems, Robert N. Davenport and Delores P. Davenport, Robert N. Davenport et ux, Peggy Cropper, and Lawrence D. Davenport et ux, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - A request to rezone approximately 74.26 acres from agriculture and single-family residential (AR2a) to Specific Plan (SP) to permit 328 single-family attached and detached units north of Maxwell road.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICIES

Neighborhood General (NG) - NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Neighborhood Center (NC) - NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict? - No, the proposed plan is consistent with the areas policies.

PLAN DETAILS

History - This application was originally submitted for the May 25, 2006, Planning Commission meeting as a rezoning from AR2a to RS10. Staff met with applicant to discuss the area's policy requirements. The applicant agreed to do a Specific Plan. Because of time constraints the applicant amended their request to RM9, with the understanding that staff would recommend disapproval, and that it would be up to Council to refer the case back to the Commission prior to second reading. This would give the applicant time to finish their plan, while keeping the application on track for the August 29th, Council public hearing. The request for RM9 was deferred by the applicant at the June 8th Planning Commission meeting, and applicant has now amended their application for Specific Plan zoning.

Site Plan - The concept plan proposes a total of 328 single-family units on 64.95 acres with a density of approximately 5 units per acre. While the total site is 74.26 acres, 9.31 acres is being dedicated for a school site. Unit breakdown is as follows:

- 150, Single-Family Attached (rear loaded)
- 114, Single-Family Detached (front loaded)
- 64, Single-Family Detached (rear loaded)

Access - As proposed the development will be accessed from one location off of Maxwell Road, as well as Trail Water Drive, and Chutney Drive. Lots will be accessed from new public streets and public alleys. Because the property to the north and east is Army Corp property, no stub streets are proposed to the north and east.

Open Space- The proposed plan shows 14.36 acres (22% of residential site). Open space is distributed throughout the development, and the majority is situated in locations that will be easily accessible by residents.

Staff Recommendation - Since the request is consistent with the areas policies staff recommends that the request be approved with conditions.

RECENT REZONINGS - None in the immediate area.

PUBLIC WORKS RECOMMENDATION

- Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.
- Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the USD.
- Prior to final SP approval, Developer shall schedule a pre-study scope determination meeting with the Department of Public Works, and submit a traffic impact study for review. Developer shall comply with all conditions as identified by the traffic impact study and as determined by the Metro Traffic Engineer.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	76.3 acres	0.5	38	427	37	45

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density Per Acre	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family	76.3	3.7	328	3,139		

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+290	+2,712		

*Traffic counts for this case were prepared by Planning Commission staff, not Public Works based on 9.57 trips per lot/unit.

METRO SCHOOL BOARD REPORT

Projected student generation 58 Elementary 51 Middle 44 High

Schools Over/Under Capacity - Students would attend Mt. View Elementary School, Antioch Middle School, and Antioch High School. All three schools have been identified as over capacity, but there is capacity within the adjacent Glencliff cluster. Also, a new elementary and middle schools are under construction on a property located along Pettus Road, and there is a land acquisition underway for a new high school near I-24 and Old Hickory Boulevard. This information is based upon data from the school board last updated February 2006.

School site dedication - Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students.

The land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

CONDITIONS

1. Prior to third reading at Council a revised site plan shall be submitted that addresses all staff concerns.
2. As per Public Works, prior to final SP approval, the developer shall schedule a pre-study scope determination meeting with the Department of Public Works, and submit a traffic impact study for review. Developer shall comply with all conditions as identified by the traffic impact study and as determined by the Metro Traffic Engineer for improvements within the public right of way.
3. Minimum lot area for front-loaded houses shall be 6,000 square feet.
4. Sight triangle provisions shall be applicable to this development.
5. Front loaded garages must be recessed a minimum of 20 feet from the front façade of the house.
6. The plan shall designate 15% of open space as usable. Open space shall be considered usable when fronted by buildings and made assessable to pedestrians by walkways or paths.

7. Street trees are required along all public streets.
8. All parking, utilities, meter boxes, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located from public view.
9. Landscape plan for each phase must be approved by planning staff prior to approval of any final development plan.
10. Sinkhole boundaries shall not be within any lots and shall be designated within open space.
11. A phasing plan shall be submitted prior to submittal of any final development plan.
12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the R6 district shall apply for the detached units and RM4 for the attached units.
13. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
14. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
15. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
16. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
17. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
18. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
19. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
20. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students. The land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may

decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Ms. Randa Stone, 4704 Chutney Drive, spoke in opposition to the proposal.

Ms. Martha Whitworth, 4709 Chutney Drive, spoke in opposition to the proposal.

Mr. Mitchell Jones, 5024 Trailwater Drive, spoke in opposition to the proposal.

Mr. Roy Dale, Dale and Associates, spoke in favor of the proposal.

Mr. William Whitworth, 4709 Chutney Drive, spoke in opposition to the proposal.

Ms. Sidney Aimes, 4100 Maxwell Road, spoke in opposition to the proposal.

Ms. Donna Shocker, 4908 Peppertree Drive, spoke in opposition to the proposal.

Mr. Tyler requested additional information regarding the sinkholes mentioned in the proposal and how they will be addressed throughout the development stage process.

Mr. Tyler questioned the proposed SP zone change request in relation to R10 zoning.

Mr. Swaggart stated that SP zoning allows design flexibility in housing types included in the plan.

Mr. Tyler expressed issues with the additional traffic and the continued development for this area.

Mr. McLean questioned the school site mentioned in the proposal.

Mr. Bernhardt stated that due to the number of students the proposed development would generate, it is Planning Department policy that the applicant must provide a school site that would be acceptable to and in accordance with School Board conditions.

Ms. Nielson acknowledged the concerns in the Antioch area, however, she stated that the plan does not give reason for disapproval.

Mr. Ponder also acknowledged the comments made by the constituents regarding overcrowded schools. He mentioned that plans are already in the make for additional school space for this district.

Ms. Jones mentioned that this proposal was only a zone change and that there would be additional time for the community to meet and work with the developer on this proposal.

Ms. Jones moved and Mr. Ponder seconded the motion to approve with conditions Zone Change 2006SP-081U-13. **(6-1) No Vote – Loring**

Resolution No. RS2006-228

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-081U-13 is **APPROVED WITH CONDITIONS. (6-1)**

Conditions of Approval:

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The proposed SP district is consistent with the Antioch/Priest Lake Community Plan's Neighborhood General policy, which is intended for a variety of residential development types that are carefully arranged, not randomly located, and the Neighborhood Center policy that is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity."